

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

J.B.D.L. Corp. d/b/a
BECKETT APOTHECARY, et al.

Plaintiffs,

v.

WYETH-AYERST LABORATORIES, INC.,
et al.

Defendants.

) Civil Action No. C-1-01-704
)
) Judge Sandra S. Beckwith
) Magistrate Judge Timothy S. Hogan
)
)
) **JOINT MOTION TO MODIFY**
) **CALENDAR ORDER**
)
)
)

MOTION

The parties respectfully request Judge Beckwith to modify the prior Dispositive Motion deadline entered in this case in this Court's Notice (Doc. #110).

MEMORANDUM IN SUPPORT

The discovery of defense experts in this case cannot be completed by the dates set forth in Magistrate Judge Hogan's Calendar Order dated March 22, 2004 (Doc. #99) and, therefore, it is in the best interests of all parties to extend the dates by which defense expert depositions and rebuttal expert reports shall conclude. The parties are filing this same date a separate Joint Motion with Magistrate Judge Hogan to extend the rebuttal expert discovery deadlines. This extension of the expert discovery deadlines also requires an extension of approximately one month for the filing of dispositive motions set by this Court's Notice which set the deadline for October 21, 2004 (Doc. #110 at §V); the briefing schedule proposed herein also allows for five months between the submission of the dispositive motions and the pretrial conference date of July 8,

2005. (Doc. #110 at §I). Significantly, this extension does not affect the pretrial conference or trial dates which have been set by the Court. (Id.)

Accordingly, the parties jointly move this Court to extend the dispositive motion deadline as follows:

1. Dispositive motions filed and served upon Plaintiffs' co-lead counsel by the Court's electronic filing system (ECF) or by hand delivery or by overnight mail for receipt no later than 5pm on: **November 22, 2004;**
2. Opposition filed and served upon defense counsel by ECF or by hand delivery or by overnight mail for receipt no later than 5pm on: **January 10, 2005;**
3. Reply filed and served upon Plaintiffs' co-lead counsel by ECF or by hand delivery or by overnight mail for receipt no later than 5pm on: **February 10, 2005;**
4. Final pretrial Conference: confirmed for **July 8, 2005** at 9:00 a.m.
5. Trial: confirmed for **August 1, 2005** at 1:00 p.m.

s/Theresa L. Groh
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served this 6th day of August 2004 on the counsel of record who are not served through the court's ECF system, as follows:

VIA OVERNIGHT DELIVERY

Dan K. Webb, Esquire
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